

## **CHAPTER 20.95**

### **APPEALS**

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#### **20.95.010 Purpose**

To avoid results that are inconsistent with the purposes of this code, decisions of the Planning Director and the Zoning Administrator may be appealed to the Planning Commission, and decisions of the Planning Commission may be appealed to the City Council.

#### **20.95.020 Rights of Appeal**

Appeals may be initiated by any interested party, unless otherwise prescribed in the individual chapters of this code.

#### **20.95.030 Appeals of Decisions on Tentative Maps**

Notwithstanding other provisions of this Chapter, procedures and time limits for appeals of decisions on tentative tract maps and tentative parcel maps shall be as specified in Chapter 19.08 of the Subdivision Code.

#### **20.95.040 Time Limits for Appeals**

Appeals shall be initiated within 14 days of the decision.

#### **20.95.050 Initiation of Appeals**

- A. Filing of Appeals. Except for an appeal authorized by Subsection C, the appeal of a decision of the Planning Director or of the Zoning Administrator shall be made in

writing to the Planning Director and appeals of decisions of the Planning Commission shall be made in writing to the City Clerk.

- B. Fee. Appeals shall be accompanied by a fee as established by resolution of the City Council.

Exception: No fee shall be required for appeals filed under Section 20.95.050 (C).

- C. Appeals by Elected or Appointed Officials.

1. Planning Commission. Any member of the Planning Commission may initiate an appeal of a decision of the Zoning Administrator or the Planning Director to the Planning Commission by a written request to the Planning Director and shall specifically state the grounds for the appeal.
2. City Council. Any member of the City Council may initiate an appeal of a decision of the Zoning Administrator, the Planning Director, or the Planning Commission. An appeal of a decision of the Planning Director or of the Zoning Administrator shall be made in writing to the Planning Director and an appeal of a decision of the Planning Commission shall be made in writing to the City Clerk. In each case, the member of the City Council shall specifically state the grounds for the appeal.

- D. Effect on Decisions. A decision that is appealed shall not become final and effective until the appeal is considered and decided by the Planning Commission or City Council, as appropriate.

## **20.95.060 Procedures for Appeals**

- A. Hearing Date. A hearing on the appeal shall be held before an appellate body within 60 days of the date the appeal is filed. The hearing may be scheduled more than 60 days after the appeal is filed, provided both the applicant and the appellant or the appellate body consent to a later date.
- B. Notice and Public Hearing. An appeal shall be considered at a public hearing and notice of the public hearing shall be given in the manner required for the decision being appealed.
- C. Hearing. The public hearing on an appeal shall be conducted “de novo” in that the decision that has been appealed has no force or effect as of the date on which the appeal was filed. The appellate body is not bound by the decision that has been appealed or limited to the issues raised on appeal. The appellate body shall hear testimony of the appellant, the applicant, and any other interested party. The

appellate body shall consider only the same application, plans, and project related materials that were the subject of the original decision, unless otherwise deemed relevant by the appellate body.

- D. Decision and Notice. The appellate body shall, after considering all of the evidence presented at the hearing and within 30 days after the public hearing is closed, approve, modify, or disapprove, in whole or in part, the permit or approval that forms the basis of the appeal and shall make the findings required by this Code in support of the decision. The Planning Director shall mail notice of a Planning Commission decision and the City Clerk shall mail a notice of a City Council decision. The notice shall be mailed to the applicant and the appellant of the decision within 5 working days after the date of the decision.